

**Introduced by Senator Rubio**

January 28, 2013

---

An act to add Section 18928 to the Welfare and Institutions Code, relating to public social services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 134, as introduced, Rubio. CalFresh.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, under which nutrition assistance benefits, formerly referred to as food stamps, are allocated to each state by the federal government. That program, as administered in California, is known as CalFresh. Under existing state law, pursuant to CalFresh, California's federal allocation is distributed to eligible individuals by each county. Existing law authorizes a county to deliver CalFresh benefits through the use of an electronic benefits transfer (EBT) system and also prohibits recipients from purchasing certain items with their CalFresh benefits.

This bill would, to the extent permitted by federal law, require the State Department of Social Services to modify the list of allowable food items purchasable under CalFresh to prohibit recipients of CalFresh benefits from purchasing with those benefits sweetened beverages containing more than 10 calories per cup, except as specified. The bill would require the department to seek all necessary federal approvals to implement these provisions.

To the extent that this bill would increase the duties of county officials that administer CalFresh, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Two-thirds of adults and nearly one in three children are  
4 overweight or obese in the United States. The federal Centers for  
5 Disease Control and Prevention reports that 24.8 percent of  
6 Californians are obese. Obesity presents a major financial burden  
7 to the state because it is associated with common chronic conditions  
8 including heart disease, diabetes, and cancer. The “obesogenic”  
9 elements of American society must be addressed to improve both  
10 the public and fiscal health of the nation.

11 (b) In May 2010, the White House Task Force on Childhood  
12 Obesity called for the nation’s food assistance programs to  
13 contribute to the solution to the multifaceted problem of obesity  
14 by ensuring access to nutritious foods. Currently, under the United  
15 States Department of Agriculture (USDA) guidelines for the federal  
16 Supplemental Nutrition Assistance Program (SNAP), CalFresh  
17 recipients have a relatively large degree of freedom with respect  
18 to which food products they may purchase with their SNAP dollars,  
19 through the Golden State Advantage Electronic Benefits Transfer  
20 (EBT) card. There are a number of items, however, that are not  
21 allowed to be purchased with the EBT card at point-of-sale,  
22 including alcoholic beverages, cigarettes, cat litter, and hot foods.

23 (c) While the USDA claims that SNAP’s stated goal is to  
24 “provide food assistance to raise levels of nutrition among  
25 low-income individuals,” recent epidemiological and public health  
26 studies focused on California’s SNAP population have indicated  
27 that SNAP participants are more likely to be obese than non-SNAP

1 participants. Additionally, soda consumption among participants  
2 is significantly higher than nonparticipants.

3 (d) Excess consumption of sugar-sweetened beverages,  
4 including, but not limited to, soda, promotes both tooth decay and  
5 increased body weight in children while providing few essential  
6 nutrients. Additionally, SNAP recipients purchase at least 40  
7 percent more sugar-sweetened beverages than do other consumers,  
8 according to the USDA's National Health and Nutrition Survey.

9 (e) In response, the Legislature is requesting the State  
10 Department of Social Services to seek all necessary federal  
11 approvals to modify the list of allowable foods that may be  
12 purchased with CalFresh benefits in California to prohibit the  
13 purchase of sugar-sweetened beverages, including, but not limited  
14 to, sodas, that have little or no nutritional value and contribute to  
15 obesity and poor health outcomes.

16 SEC. 2. Section 18928 is added to the Welfare and Institutions  
17 Code, to read:

18 18928. (a) To the extent permitted by federal law, the State  
19 Department of Social Services shall modify the list of allowable  
20 food items that may be purchased with federal Supplemental  
21 Nutrition Assistance Program dollars under CalFresh so that no  
22 CalFresh benefits may be used to purchase sweetened beverages  
23 containing more than 10 calories per cup, except that CalFresh  
24 benefits may be used to purchase juice without added sugar, milk  
25 products, and milk substitutes, even if sweetened.

26 (b) The department shall use culturally sensitive campaigns to  
27 promote the modifications made to CalFresh pursuant to this  
28 section as well as the benefits of healthy and nutritious eating  
29 habits.

30 (c) In implementing this section, the department may collaborate  
31 with any public or nongovernmental organizations that promote  
32 the health and well-being of all Californians.

33 (d) The department shall seek all necessary federal approvals  
34 to implement this section, which may include a waiver of federal  
35 law from the United States Department of Agriculture.

36 SEC. 3. If the Commission on State Mandates determines that  
37 this act contains costs mandated by the state, reimbursement to  
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O